

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

RICHARD LEE PAIVA

C.A. NO. 10-179 S

TEJ BANSAL, ET AL.

MEMORANDUM AND ORDER

Plaintiff, Richard Lee Paiva ("Plaintiff"), *pro se*, an inmate at the Adult Correctional Institutions in Cranston, Rhode Island, filed a Complaint on April 19, 2010 alleging, *inter alia*, that defendants violated his constitutional rights (Docket # 1). Presently before the Court is plaintiff's second motion for a court order appointing counsel to represent him in the instant action (Docket # 19).

In the appropriate case, the Court "may request an attorney to represent any person unable to afford counsel" in a civil action. 28 U.S.C. § 1915(e). However, there is no absolute constitutional right to a "free lawyer" in a civil case. *DesRosier v. Moran*, 949 F.2d 15, 23 (1<sup>st</sup> Cir. 1991). Absent exceptional circumstances, the Court cannot appoint counsel in a civil matter. *Id.* at 23. In determining whether exceptional circumstances exist, the Court must examine the total situation, considering, *inter alia*, the merits of the case, the complexity of the legal issues, and the litigant's ability to represent himself. *Id.*

Here, I have reviewed Plaintiff's Complaint and the motions that he has filed in this case. As previously stated in response to Plaintiff's first motion for a court order appointing counsel, the issues presented in the Complaint are not so complex that Plaintiff is unable to represent himself. Moreover, Plaintiff's filings demonstrate that he is able to present the facts and the issues on his own. Accordingly, Plaintiff's second motion seeking a court order to appoint counsel is **DENIED**.

IT IS SO ORDERED.



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Jacob Hagopian  
Senior United States Magistrate Judge  
February 15, 2011